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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Mark Henry SHIPTON

Group Art Unit: 1775

Application No.: 10/540,536

Examiner: M. LAVILLA

Filed: July 29, 2005

Docket No.: 124324

For: RARE EARTH-TRANSITION METAL ALLOY ARTICLES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 27, 2007 Restriction Requirement, and without conceding the accuracy of any of the assertions made in the Restriction Requirement, Applicant provisionally elects Group I, claims 1-6 and 9-11, with traverse.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Furthermore, in the case of an elected product claim, rejoinder will be permitted when a product claim is found allowable and the withdrawn process claim depends from or otherwise includes all the limitations of an allowed product claim. In the present application, the method claims of Groups II-III include all of the limitations of the product of Group I.

Since the method claims of Groups II and III include the limitations of the product claims of Group I, the method claims must be rejoined with the product claims once the product claims are allowed. Thus, to streamline prosecution and avoid delay, the Restriction Requirement should be withdrawn to permit concurrent examination of all of the pending claims.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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JAO:STD/dxc

Date: October 12, 2007

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